



## City of Hampton, VA Meeting Minutes City Council

22 Lincoln Street  
Hampton, VA 23669  
www.hampton.gov

*Ross A. Kearney, II*  
*Will Moffett*  
*Joseph H. Spencer, II*  
*Molly Joseph Ward, Mayor*

*Christopher G. Stuart*  
*Donnie R. Tuck*  
*George E. Wallace*

*Staff:*  
*Mary Bunting, City Manager*  
*Cynthia Hudson, City Attorney*  
*Katherine K. Glass, CMC, Clerk of Council*

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Wednesday, May 23, 2012      1:00 PM      Council Chambers, 8th Floor, City Hall

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### CALL TO ORDER/ROLL CALL

### MOLLY JOSEPH WARD PRESIDED

**PRESENT:** Ross A. Kearney, II, Will Moffett, Joseph H. Spencer, II, Christopher G. Stuart, Donnie R. Tuck,

**ABSENT:** George E. Wallace

Vice Mayor Wallace was not present during roll call; however, arrived shortly thereafter at 1:05.

Mayor Ward welcomed everyone to the afternoon meeting. She announced that she will be attending a conference this evening at James Madison University regarding the National Park Service, giving her another opportunity to speak about Hampton and Fort Monroe on behalf of the City. She noted she will also leave the afternoon meeting early to attend a school awards ceremony for one of her children. She requested the briefing on Vehicles for Hire be given prior to the one on Old Dominion Electric Cooperative Coal Plant and Environmental Protection Agency (EPA) Mercury Standards since she has already been briefed numerous times on item number one.

Mayor Ward then announced that this meeting is Councilman Spencer's last meeting before the newly elected members are sworn in. She thanked Councilman Spencer for stepping up to the plate over the last six months and presented him with a City of Hampton commemorative watch.

Councilman Spencer stated he was honored and privileged to return to Council to complete the term of former Councilwoman Angela Leary who we all have in our thoughts and prayers. He added we all love the City and the citizens of Hampton; and therefore, when called upon, it is difficult to resist the opportunity to serve. He noted it was a pleasure working with the new members of Council and he will be involved and engaged should they need him. He thanked Mayor Ward and the members of Council for the watch.

**AGENDA****1. 12-0203 Briefing on Chapter 38 - Vehicles for Hire**

Ms. Bunting introduced the item stating earlier this month, Council was asked to consider increasing the taxi fare rate which has not been increased in over seven years. Newport News recently adopted a rate increase, and since there are cabs serving both cities with reciprocity, this raised the issue as to whether or not Hampton should increase its rate in order to make it easier for those cabs that move between the two cities. At Councilman Moffett's request, the action was deferred to give the public an opportunity to receive information and provide their input. Ms. Bunting introduced Senior Deputy City Attorney Ms. Lesa Yeatts to brief Council and the public. She noted that the public comment and action on this item will take place at the June 13th meeting. She further noted Lieutenant Jeff Walden is in attendance on behalf of the Hampton Police Department to answer questions regarding the enforcement of taxicab rules.

Ms. Yeatts greeted the members of Council and briefed them on the current Hampton taxi fares and on what is being proposed.

A copy of the presentation is attached to the minutes.

Ms. Yeatts stated earlier this month, there was an ordinance before Council regarding increasing fares to make them similar to the recent fare increase in Newport News. There are approximately 103 taxis authorized to operate in Hampton, 44 of which belong to Yellow Cab of Hampton located in Hampton and have certificates of public convenience in Hampton. The remaining 59 operate in Hampton pursuant to reciprocity having received inspections and certification from the Chief of Police that they comply with all Hampton laws regarding operation of taxicabs.

Ms. Yeatts discussed the proposed changes compared to current rates depicted on slide 2 of the presentation. Currently, the first one-seventh of a mile is \$1.75. The proposed suggestion is to raise the amount to \$2.75 with each additional mile rate raised from \$.25 to \$.30. This would be consistent with the Newport News rate. Yellow Cab of Hampton, Yellow Cab of Newport News and Orange Cab operate within Hampton by right and reciprocity and are requesting an increase in the waiting time rate from \$.25 to \$.30. Currently, there is a fuel surcharge authorized in the Code of Hampton which allows taxi companies to charge \$1 per trip when the cost of gas exceeds \$2.00. This surcharge was adopted in 2005 when there was a significant increase in gas prices. The cost of gas has not fallen below \$2.00 since then, and therefore, the recommendation is to repeal this chapter regarding the fuel surcharge eliminating the surcharge so that it is a flat rate of \$2.75 for the first one-seventh of a mile, \$.30 for each additional mile and \$.30 for waiting time.

Ms. Yeatts stated the driving factor for changing the fare is the cost of gas. The mileage fare rate was last raised in 2004 when the cost of gas was \$1.92 per gallon; however, in 2011, the average price per gallon was \$3.57, an approximate 80% increase.

Ms. Yeatts reviewed slide 4 of the presentation which summarizes the fares of surrounding jurisdictions. Most surrounding areas are at least \$2.75 per mile with the exception of Portsmouth. Most other jurisdictions raised their rates years ago while Hampton last raised its rate in 2005 and Newport News recently raised its rate this year.

She noted the red numbers on slide 4 indicate the proposed rates for Hampton increasing to \$2.75 (initial rate) and \$2.10 (per mile rate).

Ms. Yeatts reviewed slide 5 of the presentation indicating the impact the new rates will have on the average taxi rider compared to previous rates. She noted the rate increase is fairly minor compared to the increase in the price of gas. However, citizens need to plan for and be made aware of even minor increases.

Ms. Yeatts discussed the drawbacks of not raising fares listed on slide 6 of the presentation. She noted the slide indicates there are 53 cabs in Hampton; however, one of the cab companies has added some cabs within the last several weeks through reciprocity increasing that number to 59. Taxis operate with meters which can only be set at one rate, unless they are digital. If they have certificates in Newport News, they would have to decide whether to set their rates at the \$2.75/\$.30 rate in Newport News or the \$1.75/\$.25 in Hampton. Only a few taxis have digital meters that can set different rates. The effect of limiting which cabs can operate in Hampton affects the cabs, their drivers and the riding public. The riding public is likely to suffer due to the limited number of taxis available in Hampton and how many taxis are going to operate in Hampton if they can't recoup their expenses like they can in surrounding jurisdictions. It may be difficult for taxi companies to attract professional, skilled drivers to work in Hampton because the surrounding localities are allowing fares that allow drivers to better recoup their expenses. Typically, a driver is responsible for purchasing his own gas; therefore, the difference between the fare and gas price comes out of the driver's pocket which cannot be passed on to the riding public.

Councilman Stuart asked if the \$1 fuel surcharge has turned into a non-optional option. He stated we are looking to raise the first ¼ mile by \$1, but have a fuel surcharge which has never gone down below the threshold since being implemented. Ms. Yeatts replied the proposal is to repeal the surcharge and therefore, it's a wash. Councilman Stuart continued stating we are discussing the proposed nickel increase for the amount after the first 1/7th of a mile and the waiting time. Ms. Yeatts agreed.

Councilman Stuart noted he personally thinks of taxis as a method of getting to an airport versus a method of taking a trip to the grocery store, for example. He asked for someone to comment on the lifestyle of individuals who may utilize taxis to do things we may not normally think of. He expressed concern that he may be putting too much of his personal experience into this versus capturing what the users of taxis are doing and how increases might impact them.

Ms. Yeatts explained there is a portion of the population which elects to use taxis for trips to the grocery store, for example, versus taking the bus because they may have numerous packages to carry. She added it may also be impossible for them to purchase a vehicle due to up front cost; yet, the cost of a taxicab can be figured into their monthly expenses. They may also take a cab to the movies, to visit someone or for a trip to the laundromat. She noted there have also been increases in bus rates due to increases in the cost of gas.

Councilman Stuart asked what the financial relationship between taxi companies and the drivers is and if this is designed to not only have reciprocity between the two cities, but also to allow them to recoup costs that have changed over the last seven years since we have done pricing. Ms. Yeatts responded there are approximately 103 drivers who

would be directly affected by the increase because they are responsible for purchasing gas and for paying the taxicab companies for the use of the vehicles. She added they will see the increase in their bottom line as well as an increase in tips based on what the bottom line is.

Councilman Stuart asked if the drivers pay a fixed rental fee to the company which provides the vehicle or if they pay a portion of their earnings. Ms. Yeatts noted she did not have that information; however, would report back to Council with that information at a later date.

Vice Mayor Wallace inquired about the reciprocity issue and asked for clarification on whether or not Newport News cabs have reciprocity in Hampton, yet Hampton based cabs do not have reciprocity in Newport News. Ms. Yeatts stated recently, Newport News repealed their Ordinance granting reciprocity to Hampton based cabs meaning they do not allow Hampton cabs (Yellow Cab of Hampton) to pick up in Newport News. They may drop off someone from Hampton to Newport News; however, they may not pick up someone in Newport News. We maintain reciprocity which allows any cab company who has certificates of public convenience in Newport News to apply through a process in Hampton to get the Chief of Police to certify that they comply with all requirements of the Hampton Taxi Ordinance with the exception of having a place of business in Hampton and having dispatching services in Hampton. That has allowed for a minority and female owned cab company who operate in Newport News to gain reciprocity in Hampton and operate in Hampton and pick up individuals in Hampton, which they could otherwise not do. If a Newport News Cab company has not obtained reciprocity by virtue of the described process (Chief of Police certification), they cannot pick up riders in Hampton. That option is no longer available for a Hampton cab company in Newport News.

Vice Mayor Wallace asked if this puts Hampton based cab companies at a disadvantage. Ms. Yeatts replied the company indicated that at this point, there is enough business in Hampton to not feel there is a disadvantage. Vice Mayor Wallace then noted some drivers are independent and lease their vehicles from Yellow Cab. Ms. Yeatts replied she was not aware of any leases; however, there may be operation agreements. For example, most companies require their operators to purchase their own gas.

In response to Vice Mayor Wallace's question regarding the difference between Yellow Cab Company of Hampton and Yellow Cab Company of Newport News, Ms. Yeatts explained Hampton Yellow Cab has established itself in Hampton by having a physical place of business in Hampton investing in the City, paying taxes and is required to dispatch from that location. She continued explaining Newport News Yellow Cab is a separate entity that has established a physical place of business in Newport News and obtained their certificates of public convenience and necessity in Newport News. She noted she was not certain if the companies have the same owner, but are separate entities in the context of their business licenses.

Councilman Tuck expressed concern that the riding public may suffer due to the limited number of taxis in Hampton if we do not make these changes. He stated Hampton University students account for a large number of fares during the year, and asked how we know that the riding public will suffer due to the limited number of taxis available in Hampton.

Ms. Yeatts explained we are not certain about that; however, the extrapolation is if fares are not raised then cab companies who have reciprocity and operate here through reciprocity will have to decide which City they are going to operate in. She deferred to Lt. Walden to speak about how the taxi meter affects that issue.

Lt. Walden explained if they did not have reciprocity or were charging the Newport News rate, they would not be able to operate in Hampton meaning there would be 59 less taxis available in Hampton.

Councilman Tuck stated part of the problem is that some drivers' meters don't have specific capabilities. Lt. Walden concurred and added if their meters do not allow them to establish two fares (Newport News and Hampton fares), the driver has to decide whether or not to keep the Hampton fare on their Newport News meter; however, the digital taxi meters have the capability to switch between the two fares.

Councilman Tuck said Council received an email stating only approximately 11 Yellow Cabs which come from Newport News operate in Hampton. Lt. Walden clarified there are 44 Yellow Cabs of Newport News which have reciprocity and there are 16 Orange Cabs which have reciprocity in Hampton.

Councilman Tuck referenced minutes from the City of Newport News June 14, 2011 work session. He then stated we made decisions without asking for input from Newport News and they took away reciprocity without getting our input. He stated in his opinion, the two cities should work together to determine how this will work out well for everybody.

Ms. Yeatts replied that could have happened previously; however, Newport News has changed their rates and we have found support from the cab companies to at least consider it. Over the last few years, we have made changes to our Code based on our taxicab study. Fares are one of the last things that there are requests to amend. She emphasized that we have requests from existing taxi companies to consider a change; and therefore, Newport News changing its rate is not the only reason we are considering changing ours.

Councilman Tuck agreed that there needs to be a change and elaborated on Councilman Stuart's comments regarding who utilizes cabs and described an unscientific study that he did. He drove from Park Place to Aberdeen Road, drove to the Post Office which was approximately one mile away, drove to the nearest pharmacy (CVS) which was approximately 2 miles, then went to the Food Lion towards the Hampton/Newport News line. He expressed concern that most people cannot go to the post office, pharmacy and grocery store in one trip and therefore, we are adding to their living expenses. He said he is okay with the fare increase per mile and the fuel surcharge; however, has an issue with the waiting time increase because it takes longer than 10 minutes to go to the grocery store. Ms. Yeatts replied that the taxi companies feel as though waiting time is time being taken away from another prospective trip.

Councilman Tuck noted part of our Ordinance said we would not have wait stops; instead, a taxi could be dispatched from central locations. He noted he has pictures of vehicles with drivers who have fallen asleep waiting for fares. He said we are saying we have a lot of business requiring us not to reduce the number of cabs; yet, some are

sitting waiting to pick up fares, which in his opinion is not the way it was supposed to operate.

Ms. Bunting commented that she hopes that is not one of the companies currently licensed in Hampton and stated Lt. Walden may be able to address how we have been handling violations. Councilman Tuck said that is fine, indicating he did not need a response from Lt. Walden.

Ms. Bunting commented that the Hampton Police Department enforces the law and encouraged citizens to report violations to the Police so that they can handle the situation.

Ms. Yeatts noted that an officer must witness the violation in order to issue a summons. She concurred with Ms. Bunting regarding the importance of citizens reporting violations to the Police.

In response to Councilman Spencer's question about how many of the 103 cabs licensed to operate in Hampton are housed in Hampton; Ms. Yeatts replied there are 44, all of which are Yellow Cabs. Councilman Spencer then inquired about additional private cabs. Ms. Yeatts confirmed that there are no additional private cabs. She explained when we amended the Code regarding improving taxicab operations; one of the items was to require that a taxi company have at least 10 taxicabs. Ms. Yeatts noted Newport News is the only City we have reciprocity with.

Councilman Spencer asked if we have reciprocity for their 59 cabs, but they don't have it for our 44. Ms. Yeatts agreed and added that they have to pay annual fees for reciprocity. She explained Newport News repealed their code section that permitted reciprocity which was effective May 1. Councilman Spencer stated this means the 44 cabs in Hampton can take someone from Hampton, but cannot pick someone up in Newport News and bring them back to Hampton. Ms. Yeatts concurred with Councilman Spencer.

Councilman Spencer asked why this action is taking place since it appears that this will affect both Hampton and Newport News citizens. Ms. Bunting assured Council that there have been conversations between Hampton and Newport News regarding how to best resolve the issue. Several years ago, Hampton completed a study and recommendations before Newport News did theirs. When we did ours, we engaged with an outside consultant and made recommendations as to how to modernize our taxicab Ordinance; however, at that time, Newport News was not ready to do that. Our changes were announced in advance to give taxicab companies time to comply. Some of the cab companies in Newport News were no longer able to achieve reciprocity under our updated guidelines. The cab companies sought to have us change our guidelines, and when we did not, they informed Newport News that they could no longer operate in Hampton; and therefore, suggested Hampton cabs no longer be allowed to operate in Newport News. She said in her opinion, this was an over-generalization because Hampton has two Newport News cabs which operate in Hampton.

Ms. Bunting continued stating the taxicab rate increase occurred recently in Newport News. Hampton's plan was to align its rates in May; however, the item was deferred to the June meeting in order to allow time to hear additional public comment. She assured Council that Hampton and Newport News Assistant City Managers, City Attorney Offices

and Police Departments worked together in an attempt to craft a solution that both Councils could agree to; however, were not able to achieve that due to various reasons. The State gives the local governing body the right to make decisions regarding taxicab rules. Although it would be nice to have reciprocity between both cities, the reciprocity we allow the two Newport News cabs benefits our residents. They are small minority and women owned businesses.

Councilman Spencer expressed concern in resolving the problem because the citizens will suffer. He said his point is somebody needs to get together to work this out. Ms. Bunting noted we have done that, but it is a political solution. Mayor Ward also noted perhaps we can address this issue elected official to elected official.

Councilman Kearney expressed concern that this is resolved particularly because enforcement will be difficult. He stated the Police already have so much responsibility and asking them to watch cabs to determine whether or not they are picking up a fare will add to the list of responsibilities. He reiterated we need to work this out because law enforcement and officials do not need the additional burden.

Mayor Ward left the meeting after the Vehicle for hire presentation and discussion. Vice Mayor Wallace presided over the remaining portion of the meeting.

PRESENTED by Lesa Yeatts, Senior Deputy City Attorney. Additionally, Lt. Jeff Walden of the Hampton Police Division provided information. This item was taken out of order on the agenda and was heard before item #1. This ordinance change is scheduled for a vote by Council on June 13, 2012.

2. 12-0213 Briefing on Old Dominion Electric Cooperative (ODEC) Coal Plant and EPA Mercury Standards

Ms. Bunting introduced the item stating the Old Dominion Electric Cooperative (ODEC) proposed to build a coal fired power plant in Surry County; however, the status of those plans is on hold because there are many regulatory hurdles that have to be achieved in order to proceed. Environmentalists and citizens concerned with air and water impacts to our environment have asked Councils across the region to take positions in opposition; however, in the past ODEC developers have asked Councils to take positions in support of the plant.

Ms. Bunting stated Council will be briefed on the pros and cons of what is being proposed. Following the Hampton Roads Planning District Commission's (HRPDC) presentation and overview of technical issues and concerns relating to the proposal, Public Works staff will advise Council on our thoughts as a City government, what Council may want to weigh in on and the options before Council. She then introduced HRPDC Principal Regional Planner Ms. Jai McBride to brief Council on the status of the ODEC power plant. A copy of the presentation is attached to the minutes.

Ms. McBride discussed slide 3 of the presentation regarding Virginia State energy needs. Demand is outgrowing supply; Virginia is the second largest importer of energy in the country; and buying energy on the open market is very expensive and volatile. Statistics project that the gap between supply and demand will continue to increase over

the next 20 years unless something is done to change its course. ODEC has projected that by year 2017, Virginia will have a shortage of 4,000 megawatts throughout the State and is proposing to build the power plant to curb the power shortage. Slide 6 of the presentation gives a detailed description of the facility.

Councilman Stuart asked what the proposed construction time is. For example, how long would it take to build an operational facility providing 1,500 megawatts of power? Ms. McBride stated her colleague advised her it would take approximately four years to build.

Ms. McBride noted that in addition to emitting coal, the plant will emit other pollutants into the air ranging from particle matter to carbon dioxide. Slide 8 shows the annual projections for those emissions.

Ms. McBride continued her presentation listing asthma, bronchitis and lung cancer as some of the health impacts of living near power plants. She added that individuals living within a 30 mile range are most affected. She then referenced the map on slide 9 of the presentation indicating the highest mortality rates and outlining West Virginia as having a high rate because it is a highly intense coal State.

Ms. McBride discussed the proposed location of the plant as indicated on slide 10 of the presentation. The primary proposed location is Dendron in Surry County with a secondary alternative site in Sussex County, approximately 28 nautical miles from Hampton. She added that depending on wind direction, Hampton would receive some type of air quality affect.

Ms. McBride continued her presentation giving details of the current status of the proposal. Local approval has been received from Surry, Sussex and Dendron. In April 2012, Dendron did a second recertification to approve all permits; however, there are no active air permits, water permits or solid waste permits. In April 2011, a buoy study was approved by Virginia Marine Resources Commission (VMRC). She reiterated there are no current or active permits on file.

In response to Councilman Spencer inquiring about the reason there are no current or active permits, Ms. McBride replied there were many political concerns which resulted in ODEC deciding to put things on hold.

HRPDC Deputy Director Mr. John Carlock explained ODEC withdrew all of its permits in September 2010; therefore, the State has no permit application from ODEC to react to. He noted due to the environmental and air quality regulations, ODEC officials are waiting to see what the EPA and State are going to do with the latest regulatory proposals and will then decide whether or not to move forward. He added that overall demand has gone down; therefore, economically, delaying the decision to move forward with air permits is a wise move.

In response to Councilman Spencer, Mr. Carlock said the EPA has proposed revised standards, some of which have gone into litigation.

In response to Councilman Kearney inquiring about the Planning District's position,

Mr. Carlock stated we (HRPDC) briefed the Planning District in October of 2010. The HRPDC was directed to monitor the situation and to continue to keep them and localities advised of the status of the project; however, they did not take a pro or con position.

Councilman Kearney noted some areas may see this as an economic development tool while other surrounding areas see this as a possible pollution issue. He then stated for the record that it is difficult to see that there is a need for additional electricity when the Yorktown refinery was closed and Virginia Power made a point to state electricity was not needed. He expressed concern that this sends two different messages to the members of Council.

Councilman Moffett asked what the five largest polluters are outside of this one which would be the sixth per the presentation. He then asked what other alternative forms of energy are being pursued such as a wind versus a coal fired plant.

Ms. McBride addressed Councilman Moffett's question about alternative forms of energy being pursued, stating renewable energy such as wind and solar is permit based and very costly. She continued stating that many meetings have taken place regarding the wind energy; however, there is a long permitting process and the only good wind that Virginia has is off shore. Thermal and hydro-energy is more in the mid-west region; Virginia does not have a good solar base. She noted wind will be an alternative; however, the question will be whether or not we can get permitted to get the wind energy off shore.

Public Works Engineering Intern Mr. Chris Swartz addressed Councilman Moffett's question regarding other large polluters, stating they include some of the Dominion Power Plants such as the Chesapeake and Yorktown refineries that will not be upgraded and will be closing, which will make the ODEC coal plant higher up as a proposed emitter. Overall, there are pollution issues to consider including mercury, CO2 and carbon monoxide.

Vice Mayor Wallace noted many of these questions may be answered during the presentation and suggested we allow the completion of the report prior to asking further questions.

Councilman Tuck expressed concern that everything in the presentation suggests they are opposed to the project. He said he is confused about representation of the HRPDC if the comment was they haven't taken a position, but the presentation suggests they are totally opposed to the project.

Vice Mayor Wallace explained the Planning District Commission exists to deliberate, digest, discuss and deliver the information so that if and when we are asked to take a position on it, we will do so from an informed vantage point as opposed to a lack of knowledge.

Ms. Bunting commented that staff has been consistent in presenting factual data about the pros and cons. The HRPDC first heard the proposal when it was in its early stages and we knew there were new EPA standards to be considered. Some members of the HRPDC felt this would be a job generator while others had environmental concerns; therefore, rather than taking a position early on in the process, the governing body decided to wait.

Ms. Bunting noted that no one disputed the information being provided today; instead, people questioned when to weigh in with a formal position. She explained given there wasn't an immediate decision pending from a regulatory agency at that point, the Planning District Commissioners wanted to wait to see if concerns could be addressed by ODEC or if new environmental regulations would take care of it. In her opinion, what is being presented today is not inconsistent and no one disputed the environmental concerns; instead, it is a matter of whether or not there is a way ODEC can address the concerns reasonably, would the new regulations cause them to rethink the plan and why take a position prematurely. She noted this was over a year ago, and there hasn't been any progress. As a body, the HRPDC decided to take a "wait to see" approach while noting concerns they wanted to track. Those concerns are reflected in today's presentation.

Ms. McBride concluded her presentation by reviewing the remainder of the slides in the presentation regarding mercury and air toxin standards and carbon pollution standards.

Ms. Bunting introduced Mr. Chris Swartz, Public Works Engineering Intern, to present Council with staff's analysis on the pros and cons and to give them a summary of what local governments have done regarding this issue. A copy of the presentation is attached to the minutes.

Councilman Stuart referenced employment numbers listed on slide 3 of the presentation and asked if this number is being taken with a grain of salt, what other numbers Council should take with a grain of salt for opposing views. Mr. Swartz noted that topic will be covered in the next portion of the presentation.

Mr. Swartz stated ODEC is modeling the proposed plant after its Clover Power Station, partially owned by Dominion Power, and this is where some of the employment and pollution numbers were derived. Slide 4 shows the amount of coal burned daily; however, the net generating capacity is nearly half of what the ODEC plant would propose. This creates a few more jobs and since the plant was built in the mid-1990's, there are some technological advances that have gone into the new design which may help it be less of a polluter.

Mr. Swartz elaborated on the following environmental concerns listed on slide 5 of the presentation: (1) As introduced in prior Total Maximum Daily Load (TMDL) discussions, our waterways are already tainted with mercury and nutrients (2) smog has polluted our skies and (3) we will be downwind from the plant; therefore, the wind will bring pollutants emitted from the plant to the City.

Mr. Swartz reviewed the environmental concerns listed on slide 6 of the presentation and referenced Councilman Kearney's comment regarding Dominion having sufficient power; however, ODEC is a separate entity from Dominion Power, and they have promoted themselves as not having enough power for their customers.

Councilman Stuart expressed concern about the statement on slide 6 which gives a strong opinion about the technology not being anywhere good enough and stated he would not expect to see something like that in a document which should be giving Council empirical data to balance back and forth.

Mr. Swartz noted that topic was brought up after the presentation had been turned in; however, it was just a notation that the technology may not be good enough, and while this is something we have to deal with, they will use the best technology available. He noted the importance of remembering there is a limit to how much pollution we can accept as a community to have a better quality of life and to have power to do things such as turning on lights, etc.

Councilman Stuart replied even though he has not formulated a final decision, when he read the document, he felt personally responsible to review the information and in his opinion, the statement was not factual and somewhat dared people to prove it wrong.

Ms. Bunting commented that staff is presenting what ODEC and the citizens with environmental concerns have expressed. She clarified that we are not necessarily saying all of these things are true; instead, staff is presenting both sides to Council. Staff is not trying to steer Council in one direction; instead, it is providing information regarding what ODEC has said as well as what people who have environmental concerns have articulated.

Councilman Spencer asked whether or not technology is advancing and if standards in the past have not been achieved. Mr. Swartz replied technology is advancing and sometimes the standards are based on the technology that is available and sometimes we force technology.

Councilman Spencer continued stating we have the greatest science on earth that can come up with ways to solve problems and asked if we are not able to do that any longer. Mr. Swartz replied sometimes there is not a drive or push for environmental concerns to improve technology.

In response to Councilman Spencer asking if we have different goals to obtain, Mr. Swartz replied we are trying to improve technology to come to a standard that environmental people are more agreeable with. He added they feel as though even though a coal plant has the best technology, it still pollutes.

Ms. Bunting added there is a question of economics and where as a country and society you choose to place the value. The industry will tell you they are doing what they can to make things economical, on the other hand, scientists and environmentalists will tell you we are encountering long-term cost because we are not willing to make those investments now. These are issues of larger national, societal policy influence.

Councilman Spencer said his question was whether a goal set has been achieved and now another goal has been set?

Ms. Bunting clarified Councilman Spencer's question is, are we upping the ante while others haven't come up to the standard. She said that is the tension we have as a larger societal issue. She noted this is a regional and national conversation, and these are the tensions which get played out when communities are asked to take positions.

Mr. Swartz reviewed the remaining environmental concerns and key issues listed on slides 6 and 7 of the presentation.

Mr. Swartz reviewed slide 8 in detail depicting a layout of the mercury polluters in the Hampton Roads area. He explained that ODEC is the 4th largest emitter of toxic mercury in the Hampton Roads Region with 44 pounds of mercury per year. He noted the Dominion Chesapeake Plant is at 171 pounds and the Dominion Yorktown Plant is at 142.

In response to Vice Mayor Wallace's inquiry if the proposed plant is at 44 because of advances in technology, Mr. Swartz replied yes, and added that it also has to do with the increase of regulations. Vice Mayor Wallace asked if this means regulations require new standards be achieved creating methodologies to achieve new standards. Mr. Swartz replied yes.

In response to Councilman Stuart asking if ODEC was considering this facility as a way to replace the Chesapeake and Yorktown facilities, Mr. Swartz explained Dominion decided to close the plants because they did not want to bring them up to the new standards and to retrofit those plants would be cost prohibitive.

Mr. Swartz stated Slide 12 of the presentation lists the typical ways toxins get into the community and our bodies.

In response to Councilman Stuart's inquiry, Mr. Swartz clarified "Pica Behavior" as listed on slide 12 of the presentation refers to eating non-nutritional things such as dirt and clay. He also clarified that survival training refers to foods you would not think to eat that you don't typically find in supermarkets which may be found in the woods such as bugs, which are exposed to toxins and pollutants.

Mr. Swartz continued his presentation. Pollutants get into our ecosystem through smoke stacks and as rain knocks it down, it falls into the water which goes into our ecosystem with the fish we eat.

Vice Mayor Wallace asked if the residue from burning of the coal (fly ash) has to be stored some place? Mr. Swartz replied it will be stored on-site within the black water river watershed meaning if there is a flood, there is a risk that the fly ash would go into the river.

Mr. Swartz reviewed the remainder of the slides on the presentation.

Ms. Bunting commented staff's intent was to continue to monitor the situation with the permit applications ODEC initially had being withdrawn and to wait to see whether the EPA guidelines were adopted after their hearings and public comment periods. However, Council has been asked to take a position, and therefore, we felt Council needed a briefing in order for them to be prepared to respond to constituents. She noted it is Council's prerogative whether or not to adopt a resolution; however, Mayor Ward asked her to convey that her (Mayor) desire is to solicit a resolution of provisional opposition. She continued explaining that Mayor Ward made the personal commitment to groups that have asked her that she as an individual is opposed, but was not certain if she could speak on behalf of Council. She suggested if Council decides to take a position that they do it at an evening meeting in order to give the public an opportunity to comment and weigh in on the matter. She then noted if Council chose not to take a position and instead answer as individuals, then we wouldn't schedule it for comment or advance a resolution to the agenda in June.

Ms. Bunting continued stating candidates and the Mayor have been asked about the ODEC issue as well as the mercury and carbon standards that the EPA is problematizing. We have also been asked to consider submitting resolutions in support of the new standards. Another alternative other than weighing in on the ODEC plant might be for Council to have on the June agenda a resolution in support of the standards which would govern regulatory action, not only with the proposal but any future proposal. She noted we may follow in the footsteps of other localities such as Virginia Beach who has opted to closely monitor the situation and Williamsburg who has noted environmental concerns with proper regulatory authorities. She recommended Council give staff guidance regarding how it would like to go so that staff can know how to best support Council.

Councilman Tuck said ODEC has the right to resell power; however, they anticipate the shortage, yet are selling energy to Delaware and Maryland. Mr. Swartz clarified it is a conglomerate of co-ops and the co-ops are in Maryland and Delaware. In response to Councilman Tuck asking if ODEC is contemplating building a plant in either of those states, Mr. Swartz noted he did not think so, and added as part of the Dendron site, ODEC was required to propose an alternative site in Sussex County.

Councilman Tuck inquired if it would be appropriate for the new Council to weigh in on this. Ms. Bunting replied Council could wait until July; however, she felt it was important to bring Council in on this because the EPA public comment on the new mercury and carbon guidelines ends on June 25th. She further noted that since constituents had asked Council to weigh in, she did not want to take that prerogative away from the current Council considering the new Council would not be able to act in time for the EPA deadline. In terms of the ODEC coal plant, there is no permit pending.

Vice Mayor Wallace noted that the current body could enact for itself and the subsequent Council can do an enactment for its new composition of members. Ms. Bunting then noted Council may be uncomfortable giving staff direction today and may rather think about it; however, with the pending response period for the EPA guidelines, she felt this was the best time to brief Council.

Vice Mayor asked if there was any downside to proposing to support the new regulations which are more responsive and restrictive than the current ones being proposed by the Department of Environmental Quality (DEQ) and EPA.

Councilman Spencer stated he would need to know much more information such as why standards have changed, what the old standards were, what type of opposition we have, and what type of scientific information we have prior to voting on it. It is hard to work under a timeline and is the worse way to make legislation in government. He noted he does not think Council should consider it unless there is a full understanding about what we are talking about with the new EPA guidelines. He added this is his first briefing on it and he does not have a full understanding.

Councilman Moffett said he is comfortable with addressing this at a regular business meeting with public comment. He agreed with Councilman Spencer that additional information is needed and Council needs to hear from the public.

Councilman Stuart stated the PDC and City have provided Council with ample information to formulate a yes or no opinion regarding the plant. He agreed with Councilman Spencer when he stated Councilmembers are not EPA standard experts and therefore he (Councilman Stuart) is not comfortable with delving into that aspect of it. He agreed with Councilman Moffett that coupling the information presented today along with public comment input would be most advantageous.

Vice Mayor Wallace asked for clarification that the sentiment is we take the information under advisement and ask staff to prepare an additional presentation where we will also have an opportunity for public input and feedback.

Ms. Bunting stated we do not have the technical expertise to answer some of those questions about the science of standards. She said staff can report what the EPA is problematizing, why they are problematizing it and what the pros and cons are. She added there is a debate about the science anytime a new regulation comes about from the EPA. She explained initially, she was not going to ask Council to weigh in on these matters because we don't have the internal capacity to help Council break down the science of these regulations. However, the constituents have asked Council to weigh in and she did not want to artificially constrain Council. She noted she would attempt to get more information and perhaps have EPA experts visit and/or advertise for a public comment period on the issue. She added we are not in the business of problematizing regulations; instead, we implement the regulations we are given.

Councilman Stuart noted his choice would be to allow the citizens to bring forth their thoughts and concerns before Council.

Councilman Spencer said in his opinion, the Planning District Commission should be taking a leadership role as a regional body. He recommended looking to them from a staffing and informational venue to provide direction and input. As a Councilman and citizen, he would prefer to hear the leadership taken on this matter from a regional basis; however, he never has a problem hearing from the public.

Councilman Kearney stated the presentation came across as being against the power plant being built and it was not equitable in its display. There are several issues being brought up by Dominion Power and ODEC, and therefore, it is important that the other side of the issue is presented to and understood by Council. He further noted that fly ash was mentioned on National television as being one of the largest pollutants. From what he has read and studied, he is not in favor of it; however, as a Councilmember, would not want to take that position until he had the opportunity to see all of the information. He agreed with Councilman Moffett regarding the need for public comment on the issue. He stated people in Surry and Dendron are very much in favor of this and are not enthusiastic about the idea of the outside community telling them what they can or cannot do for their economy. He stressed the importance of the new members of Council being briefed on this and being part of the decision making.

Vice Mayor Wallace asked if anyone objected to the item being deferred until the new Councilmembers were sworn in and until public input has been received. There were no objections. Vice Mayor Wallace then thanked Mr. Swartz for his presentation.

PRESENTED by Jai McBride, Principal Regional Planner with the Hampton Roads Planning District Commission (HRPDC), and Chris Swartz, Senior Civil Engineer VDOT Projects of the City of Hampton's Public Works Department. John M. Carlock, Deputy Executive Director of the HRPDC also provided information. This item was taken out of order on the agenda just after the briefing on Chapter 38.

3. 12-0142 Briefing on the Status of Fort Monroe

Ms. Bunting stated she and Executive Director of the Fort Monroe Authority (FMA) Mr. Glen Oder signed the Memorandum of Agreement (MOA) between the two agencies which deals with service provisions until the Army transfers parcels of land. The State statute deals with how Hampton will be paid for the services being provided in the interim. Council and Hampton residents have been concerned that we are not underwriting the expenses associated with day to day service provisions to residents of Fort Monroe. This MOA assures that will not happen. She thanked the City Attorney's Office and Director of Federal Facilities Mr. Bruce Sturk for their efforts in advancing this to a final signatory.

Ms. Bunting reported that the former community activity center is under lease at Fort Monroe. Once the Army transfers the land, we will get a larger stream of payment in lieu of tax revenue. This means the facility would not have been used this summer; and therefore, the YMCA will sublease the center to be used for a regional summer day camp program. The YMCA will pay utilities and other necessary expenses during the summer. She noted this is a positive development because the facility will not only be used by Hampton day campers, but also by children from across the region that will experience the joys of Fort Monroe and hopefully encourage their parents to visit more often with family and friends. This is a positive opportunity for Fort Monroe, the City and the YMCA.

Ms. Bunting reported approximately 40 people attended the FMA town hall meeting held this week to answer questions regarding residents living at Fort Monroe. Miscellaneous questions regarding schools, voting and other activities were addressed.

Ms. Bunting reported the FMA will conduct a U.S. Flag raising ceremony on May 24th at 10:00 a.m. where the Hampton University ROTC and the local Fort Monroe Boy Scout troop will participate. This event is open to the public. She also reported at 7:00 p.m. that evening, the FMA will host Adam Goodheart, author of the book 1861: The Civil War Awakening, which highlights the history of the contraband slave movement.

Ms. Bunting reported the National Park Service held their first public planning input process which received a lot of positive input. People may still provide input by going to the National Park Service website or contacting the National Park Service at 722-FORT (722-3678). We are putting that information in our Hampton Media publications.

Ms. Bunting concluded her comments stating the Planning Advisory Group (PAG) met to review the design standards being put forward for the Fort Monroe properties. PAG decided to wait for feedback from the National Park Service and the State Historic Preservation Office (SHPO) before making a final endorsement of the design standards. The PAG wanted to wait until they received feedback from both groups before making a

final recommendation to the FMA. They also received an update from Sasaki on the Master planning efforts.

Ms. Bunting stated we are working on updating our Phoebus Master Plan to tie in with the work Sasaki is doing at Fort Monroe. Approximately 150 residents and business people attended the first Phoebus Master Planning meeting held last Thursday to express their sentiments. Once the information received has been put together, it will be presented to Council and placed on the website.

Councilman Kearney noted the FMA Board will hold a meeting on Thursday May 31st at 1:00 p.m. in building 75 on Fort Monroe. This meeting is open to the public.

Ms. Bunting noted it is not the City's role to plan for the former Bay Breeze facility, but the FMA put out a Request for Proposal (RFP) to solicit an operator for that facility in consultation with the National Park Service because it will ultimately be National Park Service property. Through that process, a contractor was chosen. Hopefully they will be signing that contract and lease this week. There are plans to open the former Bay Breeze facility in mid to late June. There will be the opportunity for people to visit and use that facility. It will be a fee based facility. People are looking forward to that opening.

Councilman Spencer commented on the flags that the Parks and Recreation Department will fly on holidays. They are the largest flags available in comparison to other flags which cannot be flown year-round because the wind damages them. People will notice these larger flags being flown on Memorial Day and other holidays. He then thanked City Manager Bunting, Parks and Recreation Director Jim Wilson and staff for providing a way to do this.

PRESENTED by Mary Bunting, City Manager.

**THERE WERE NO REGIONAL ISSUES DISCUSSED**

**THERE WERE NO NEW BUSINESS ITEMS DISCUSSED**

**CLOSED MEETING**

4. 12-0204 Closed Session as provided in Virginia Code Section 2.2-3711.A.1 to discuss a personnel issue involving the City Manager, City Attorney and Clerk of Council.

APPROVED

**Motion made by:** Councilmember Ross A. Kearney, II

**Seconded by:** Councilmember Joseph H. Spencer, II

**Ayes:** 6 - Ross A. Kearney, II, Will Moffett, Joseph H. Spencer, II, Christopher G. Stuart, Donnie R. Tuck, George E. Wallace

**Nays:** 0

**Absent:** 1 – Molly Joseph Ward

**Certification**

## 5. 12-0205 Resolution Certifying Closed Session

**WHEREAS**, the City Council of the City of Hampton, Virginia, has convened a closed session on this date pursuant to an affirmative recorded vote made in accordance with the provisions of the Virginia Freedom of Information Act; and

**WHEREAS**, Section 2.2-3712D of the Code of Virginia requires a certification by the City Council of the City of Hampton, Virginia, that such closed meeting was conducted in conformity with Virginia Law;

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Hampton, Virginia, hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed session to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed, or considered by the city council of the city of Hampton, Virginia.

**ADOPTED**

**Motion made by:** Councilmember Ross A. Kearney, II

**Seconded by:** Councilmember Joseph H. Spencer, II

**Ayes:** 6 - Ross A. Kearney, II, Will Moffett, Joseph H. Spencer, II,  
Christopher G. Stuart, Donnie R. Tuck, George E. Wallace

**Nays:** 0

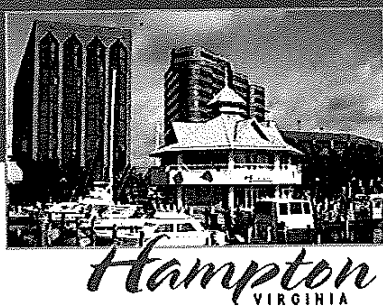
**Absent:** 1 – Molly Joseph Ward

\_\_\_\_\_  
Molly Joseph Ward  
Mayor

\_\_\_\_\_  
Katherine K. Glass, CMC  
Clerk of Council

Date approved by Council \_\_\_\_\_

## Taxi Fares in Hampton



Hampton City Council

May 23, 2012

## DIVISION 5 – Fares.

### **Sec. 38-127. - General rates prescribed; charging different rates.**

(b) The rates to be charged and collected for services by taxicabs within the corporate limits of the city shall be as follows:

- (1) For the first one-seventh (1/7) mile ...\$4.275
- (2) For each additional one-seventh (1/7) mile or fraction thereof  
...\$0.2530

...

### **Sec. 38-129. - Charge for waiting time.**

(b) For each minute of waiting time, a charge of ~~twenty-five~~ *thirty* cents (\$0.2530) may be made.

...

### **~~DIVISION 7 – Fuel Surcharge.~~**

#### **~~Sec. 38-146. – Fuel charge.~~**

~~The fuel surcharge to be collected for services by taxicabs shall be one dollar (\$1.00) per trip. The fuel surcharge shall be charged when the average regular unleaded fuel price in the city exceeds two dollars (\$2.00) per gallon inclusive of taxes, as determined by the city manager. The fuel surcharge may be suspended by the city manager as deemed necessary.~~

## Gas Price Database

*Hampton City Code Section 38-127 was last amended in 2004*

2004 average price of gasoline	\$1.92*
2011 average price of gasoline	\$3.57*

*\*Bureau of Labor Statistics Consumer Price Index - Gasoline*

## Fare Summary

	<u>Initial rate</u>	<u>Per mile</u>	<u>Date Of Last Increase</u>
Chesapeake	\$3.00	\$2.40	July 2008
Hampton	\$2.75*	\$1.75	Sept. 2005
	\$2.75	\$2.10	
Newport News	\$2.75	\$2.10	May 2012
Norfolk	\$2.75	\$2.10	Sept. 2008
Portsmouth	\$2.15	\$2.40	Oct. 2008
Virginia Beach	\$3.25	\$2.40	Aug. 2009

*\*Includes \$1.00 fuel surcharge on the first 1/7<sup>th</sup> mile. (Adopted 2005)*

## Trip Cost Comparison

### OLD RATE

\$1.75 1<sup>st</sup> 1/7<sup>th</sup> mile  
 \$1.00 Fuel Surcharge  
 \$0.25 per 1/7 mile  
\$0.25 per minute

### NEW RATE

\$2.75 1<sup>st</sup> 1/7<sup>th</sup> mile  
 \$0.30 per 1/7 mile  
 \$0.30 per minute

1 Mile	\$ 4.25	\$ 4.55
5 Mile	\$11.25	\$12.30
10 min. wait	\$ 2.50	\$ 3.00

EXAMPLE: 5 mile round trip to the grocery store with  
 a 10 minute wait

Old Rate  
 \$13.75

New Rate  
 \$15.95

## Drawbacks of not raising fares

- 4 53 cabs with reciprocity will not be able to operate in Hampton or will have to limit their operations to Hampton only, where the rates are lower.
- 4 Riding public will suffer due to the limited number of taxis available in Hampton
- 4 Difficult to attract professional, skilled drivers to work in Hampton because all surrounding localities' taxi fares allow drivers to better recoup their expenses.

# OLD DOMINION ELECTRIC COOPERATIVE POWER PLANT STATUS REPORT

Presentation to Hampton City Council

Jai McBride

Principal Regional Planner

May 23, 2012

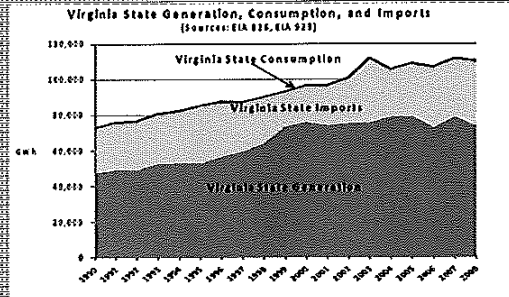


## Presentation Overview

- o Virginia's Energy Needs
- o ODEC Capacity
- o Proposed Project
- o Proposed Project Location
- o Health Impacts
- o Status of Application
- o New Air Quality Standards



# Virginia State Energy Needs



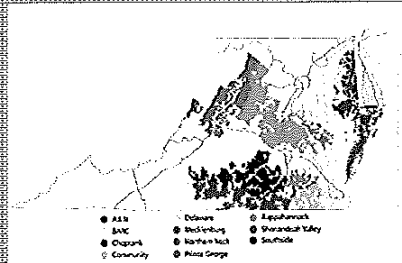
According to ODEC's findings Virginia is projected to be 4,000 Megawatts short of electricity before 2017.

Source: ODEC, 2009

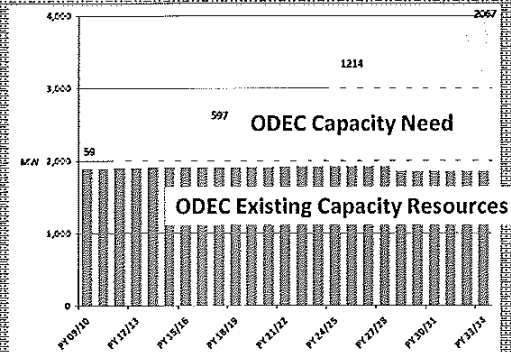


# Who is ODEC?

- ODEC is a wholesale power supplier to eleven locally-owned and controlled electric cooperatives in VA, MD, DE. These local cooperatives serve more than a half million homes and businesses in the Mid-Atlantic region.



## ODEC Long-Term Capacity Needs

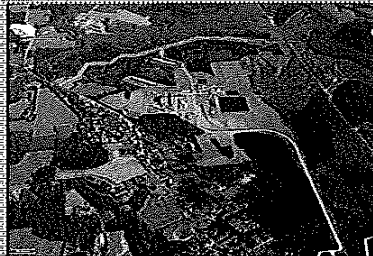


Source: ODEC, 2009



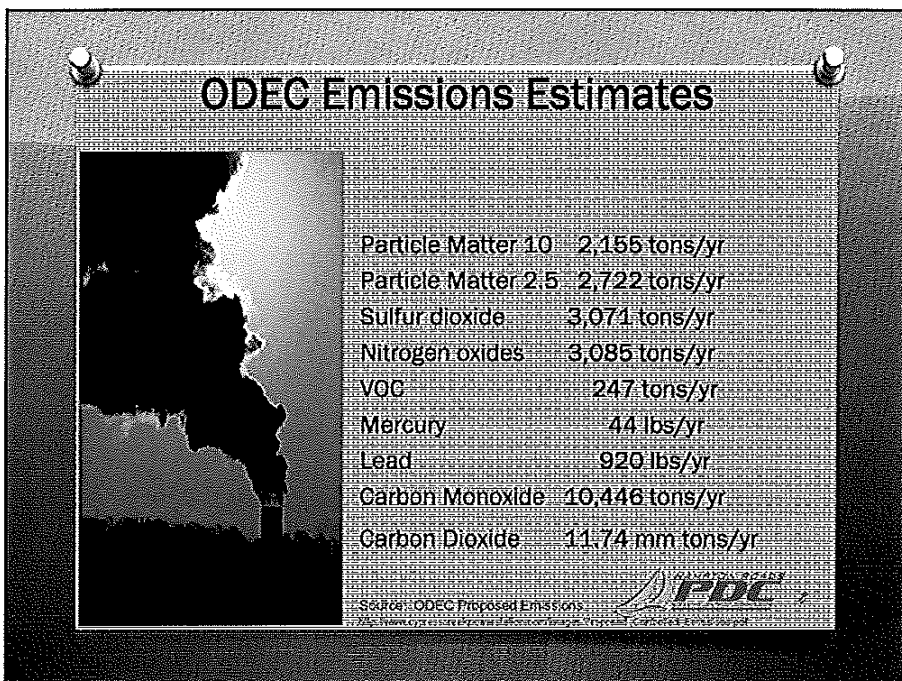
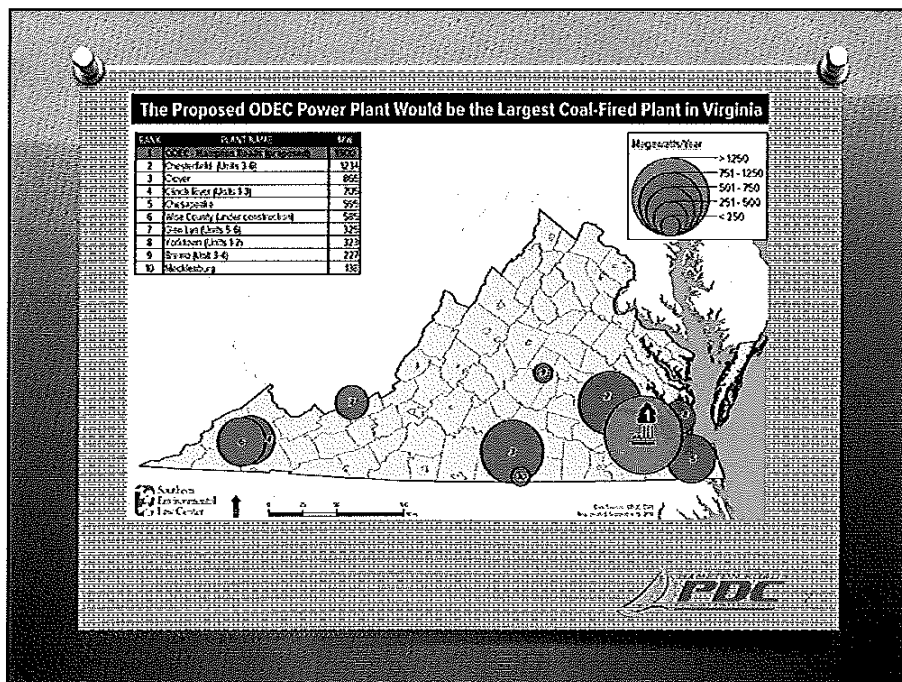
## Proposed Project

- 1500 megawatts base load electrical generation
- Fuel Source: Coal & Biomass
- Efficiency & Emissions: Latest technology/design
- Carbon Capture: Design for potential future CO<sub>2</sub> capture
- 6<sup>th</sup> largest polluter in VA
- \$6 billion cost
- 9,000 tons coal/day
- 25.48 million gallons water/day from James
- Solidified fly ash would be stored at a lined landfill in the Blackwater River flood plain.



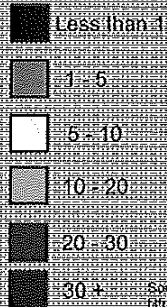
Source: ODEC, 2010



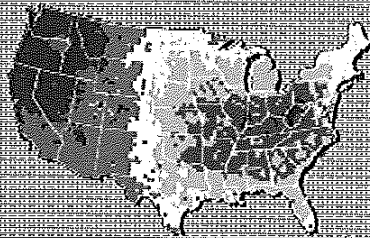


Why does the distance from a coal fired electric plant matter?

Deaths per year  
per 100,000 adults

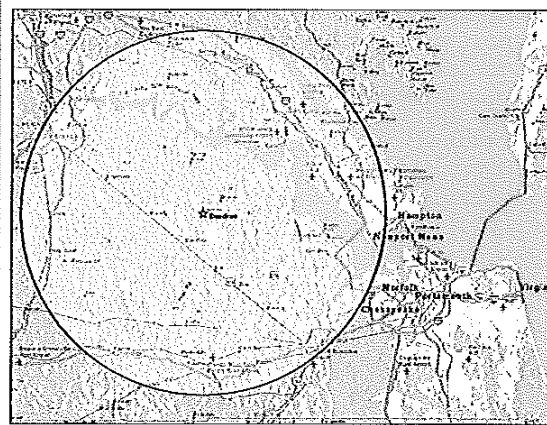


Power Plant Pollution from coal  
is most serious for those  
in a 30 mile radius



Source: Clean Air Task Force from EPA data  
[http://www.catt.org/projects/coal/STAG\\_Ball\\_Bases.cfm](http://www.catt.org/projects/coal/STAG_Ball_Bases.cfm)

PDC



From  
Dendron  
To -

Hampton  
28 Nautical  
miles

Newport News  
22 Nautical miles

PDC

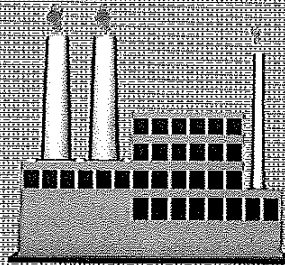
## CURRENT STATUS

- ✓ Local Approvals - Surry, Sussex and Dendron
- ✓ Air Permits
  - ✓ MAGT Application Withdrawn - July 2, 2010
  - ✓ PSD Permit Application Withdrawn - September 24, 2010
  - ✓ Permit Process on Hold - September 2010
  - ✓ DEQ indicates no active permits
- ✓ Water Permits
  - ✓ DEQ indicates no active permits
  - ✓ VMRC indicates no active permits
  - ✓ VMRC Buoy Intake Study permit - April 2011
- ✓ Solid Waste Permits
  - ✓ DEQ indicates no active permits
- ✓ Federal - COE Environmental Impact Statement
  - ✓ Scoping - June 2009
  - ✓ Kick-off Meeting - February 2010
  - ✓ Contractor Letter - March 2010



## New Air Quality Standards

- ✓ Mercury and Air Toxics Standards (MATS)
- ✓ Carbon Pollution Standard for New Power Plants



## Mercury and Air Toxics Standards (MATS) Overview of Action

- ✓ On December 16, 2011, EPA finalized the Mercury and Air Toxics Standards, the first national standards to reduce emissions of mercury and other toxic air pollutants from new and existing coal- and oil-fired power plants with a capacity of 25 megawatts or greater.
- ✓ Standards will reduce emissions of:
  - Metals, including mercury (Hg), arsenic, chromium, and nickel
  - Acid gases, including hydrogen chloride (HCl) and hydrogen fluoride (HF)
  - Particulate matter
- ✓ Air toxic pollutants are linked to cancer, IQ loss, neurological damage, heart disease, lung disease and premature death.
- ✓ Standards create uniform emissions control requirements based on proven, currently in-use technologies and processes.
- ✓ EPA expects most facilities will comply with this rule through a range of strategies, including the use of existing emission controls, upgrades to existing emission controls, installation of new pollution controls, and fuel switching.
- ✓ Existing sources generally will have up to 4 years if they need it to comply with MATS.
- ✓ Cypress Creek Power Station, originally proposed to release 44lbs of mercury annually.



## Carbon Pollution Standard for New Power Plants

- ✓ EPA proposed one limit for both coal- and gas-fired units, 1,000 pounds of CO<sub>2</sub> for each megawatt hour of power produced.
- ✓ The rule applies only to fossil fuel-fired power plants larger than 25 megawatts.
- ✓ It does not apply to plants that are currently operating or any plant that had construction permits as of March 27, 2012 and that starts construction before March 27, 2013.
- ✓ The rule does not apply to biomass-fueled plants, the "reconstruction" of existing plants, or increased CO<sub>2</sub> emissions from existing power plants caused by new pollution control equipment.

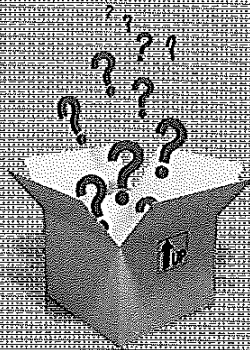


## Carbon Pollution Standard for New Power Plants

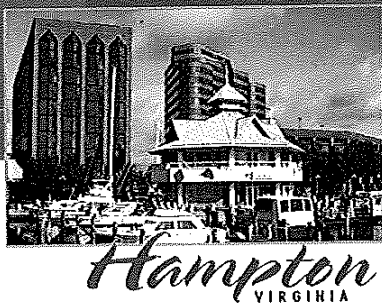
- New power plants can commit to meet the CO<sub>2</sub> emissions limit on average during the first 30 years of operation or by employing carbon capture and storage (CCS) of approximately 50% of the CO<sub>2</sub> in the exhaust gas at startup.
- EPA suggests that developers, anticipating future CCS technology that could significantly limit future carbon emissions, could construct and begin operating coal-fired plants without immediately providing CCS.
- Carbon control technologies to be installed at a later date would control average carbon emission during the first 30 years to the NSPS standard.
- EPA will be holding public hearings on May 24, 2012 in DC & Chicago.
- EPA will be extending the comment period on this proposed rule until June 25, 2012.
- Cypress Creek Power Station, is proposing to release 11,74 mm tons of CO<sub>2</sub> annually and 10,446 tons of Carbon Monoxide annually. Additionally the station will be designed for future CO<sub>2</sub> capture.



## Questions



# Mercury & EPA Guidelines ODEC Coal Plant Proposal



Hampton City Council

May 23, 2012

Information Briefing

## Purpose

- ✦ To brief City Council on the proposed Old Dominion Electric Cooperative (ODEC) coal-fired power plant in Surry County and its potential impact on the City and region.

- ✦ Why it Matters?

- ✦ Issues

- ✦ Pros/Cons

- ✦ Regional Actions

- ✦ Next Steps

## Economic Impact

- ✦ Capital Investment: \$5 Billion
- ✦ Increase in Tax Base
- ✦ Purchase of materials, equipment & services
- ✦ Employment:
  - ✦ 2,400 during Construction
  - ✦ 200 during Operations
- ✦ Energy from coal is relatively cheap

Department of Public Works  
May 23, 2012

ODEC Power Station

Slide 3

## Clover Power Station

- ✦ **Similar Design** to Clover Power Station
- ✦ **Toxins Released:** 1.5 million pounds annually
- ✦ **Amount of Coal Burned:** 3,786 tons of coal per day
- ✦ **Net Generating Capacity:** 865 megawatts



Department of Public Works  
May 23, 2012

ODEC Power Station

Slide 4

## Environmental Concerns

- ✦ Waterways already tainted with mercury and nutrients
- ✦ Smog in already polluted skies
- ✦ Hampton Roads and the Chesapeake Bay are **downwind**, which would be affected by pollutants from the plant

## Environmental Concerns

- ✦ ODEC says it needs the capacity of the new plant to satisfy growing demands from its customers.
- ✦ ODEC intends to build the plant using the best technology available.
  - ✦ The technology isn't - so far - anywhere near good enough.
- ✦ There's simply no practical way to keep carbon dioxide from being emitted as coal is burned, which means coal plants contribute substantially to global warming.
- ✦ They also emit mercury, which causes brain damage, and dioxin, which causes cancer, as well as chemicals that make smog.

22

1. The first step in the process is to identify the problem or issue that needs to be addressed. This involves gathering information and understanding the context of the problem.

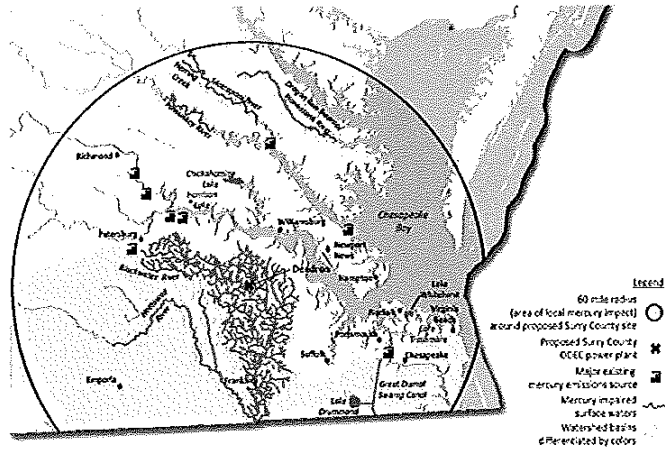
Slide 7

100



Slide 8

## Mercury Pollutants



Department of Public Works  
May 23, 2012

ODEC Power Station

Slide 9

## EPA Mercury Guidelines

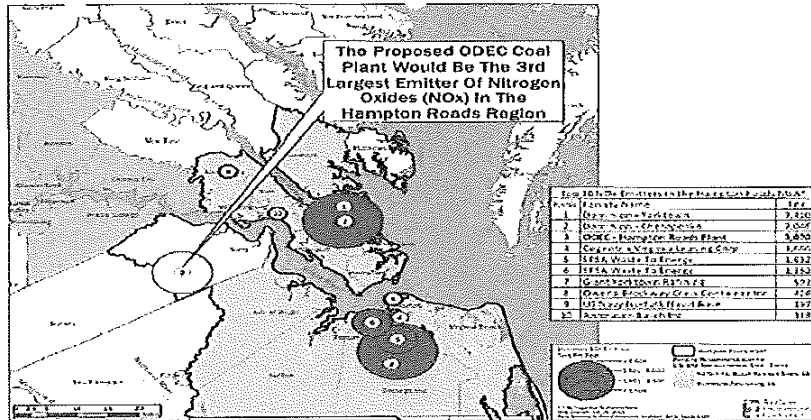
- ✦ Under the Clean Air Act - finalization of a clean air rule 20 years in the making
  - ✦ Power plant operators must limit their emissions of mercury and other hazardous air pollutants.
- ✦ "... improving our health, protecting our children, and cleaning up our air..."
  - Lisa Jackson, EPA Administrator

Department of Public Works  
May 23, 2012

ODEC Power Station

Slide 10

## NOx Emitters



Department of Public Works  
May 23, 2012

ODEC Power Station

Slide 11

## Example of Pathways

### Typical pathways

- ✦ Air
- ✦ Water
- ✦ Soil
- ✦ Food
  - ✦ Plants
  - ✦ Animals
- ✦ Combinations
  - ✦ Plant water
    - Irrigation
  - ✦ Adhering soils

### Strange but true

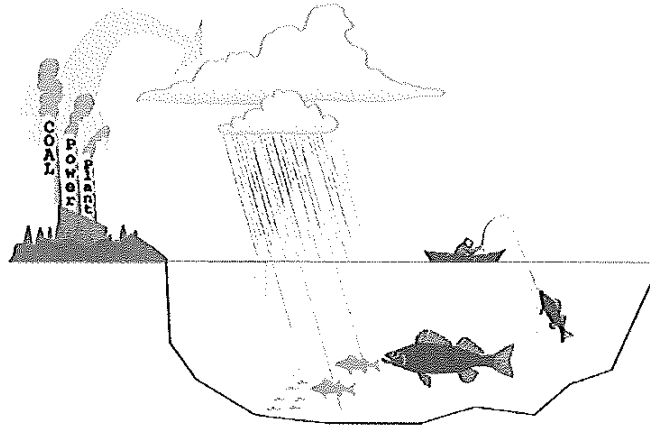
- ✦ Sewage
  - ✦ Land applications
- ✦ Ethnic variations in diets
- ✦ Pica behavior
- ✦ Survival training
  - ✦ Bugs, rodents, etc.

Department of Public Works  
May 23, 2012

ODEC Power Station

Slide 12

# Air Pollution



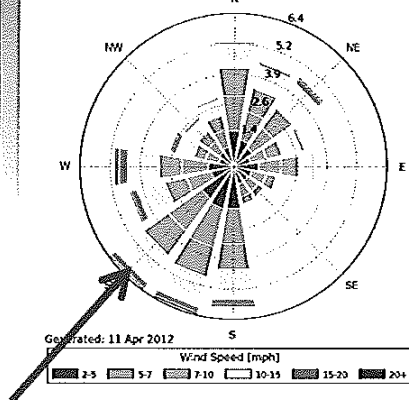
Department of Public Works  
May 23, 2012

ODEC Power Station

Slide 13

# Wind Rose - Norfolk

(PVG) Norfolk/Hampton Roads  
Windrose Plot (All Year)  
Period of Record: 31 May 1998 - 10 Apr 2012  
Obs Count: 320752 Cat: 36.6% Avg Speed: 5.1 mph



✦ Predominant wind direction is from the SW

✦ **Hampton** is downwind of the proposed power plant

Generated: 11 Apr 2012  
Department of Public Works  
May 23, 2012

ODEC Power Station

Slide 14

## New Air Quality Standard

- ✦ Due to various delays, the plant may have lost its chance to be exempt from new air pollution limits.
- ✦ CO<sub>2</sub> emissions to 1,000 pounds for every megawatt generated;
  - ✦ Most coal burners, would emit more than 1,700 pounds per megawatt

## Coal/Fly Ash

- ✦ Fly ash, produced as a byproduct of burning coal, contains arsenic, cadmium, chromium, lead and other toxins that must be contained
- ✦ Almost all of it is captured in giant filter facilities called bag-houses – to be stored on-site
- ✦ Currently exempt from RCRA - EPA proposed rule change
  - ✦ EPA could list as special wastes under subtitle C (hazardous waste)
  - ✦ EPA could regulate coal ash under subtitle D (non-hazardous waste)

## Pros and Cons

### Proponents

- ✦ Increasing electric demand and diminishing supply
- ✦ Create Jobs
- ✦ Increase tax base
- ✦ Alternatives such as wind and solar power don't produce enough electricity
- ✦ Electricity made from coal is affordable

### Opponents

- ✦ Downwind pollution
  - ✦ Mercury
  - ✦ Lead
  - ✦ Smog
- ✦ Coal ash disposal
- ✦ Health Issues
- ✦ Hinders market for offshore wind power
- ✦ Worsen federal regulatory issues associated with ozone non-attainment

## Local Responses

- ✦ Dendron, Surry County & Sussex County approved zoning and conditional use requests to **support** the project
- ✦ Isle of Wight County, Southampton County & Town of Surry adopted resolutions **opposing** construction and operation of the plant
- ✦ Virginia Beach City Council is **monitoring** the issue closely
- ✦ Williamsburg City Council notified the Corps of Engineers and DEQ of the City's concerns and advised that the City will **monitor** the review process
- ✦ Norfolk City Council **provisionally opposes**

## Next Steps

- ✦ Staff will continue to monitor
- ✦ Coordinate with the HRPDC
- ✦ Council to submit questions/concerns/desired position to City Manager
- ✦ Provide input during Federal and State public comment period